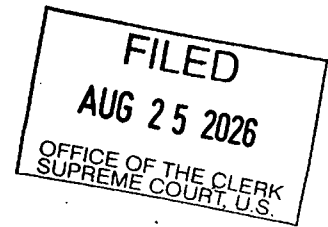


Case _____

26 - 5694



IN THE SUPREME COURT OF THE UNITED STATES

REBECCA WU,

Petitioner,

v.

BILL MCGUIRE and Gina Carreon

Respondents.

On Petition for a Writ of Certiorari to the
California Court of Appeal, Third Appellate District

PETITION FOR A WRIT OF CERTIORARI

Petitioner Rebecca Wu respectfully petitions for a writ of certiorari to review the judgment of the California Court of Appeal, Third Appellate District, in Case No. C102519.

Rebecca Wu

440 Eddy St #209

San Francisco, CA 94109

QUESTIONS PRESENTED

1. Does a state court violate the Fourteenth Amendment when it denies a first-time brief extension for a Second Cure letter on a Opening Brief by an Appellant whom is struggling from homelessness, Moved out the month before from a Homeless shelter, medically distressed, literally recent diagnosis with Depression for the first time in her life, very low income pro per litigant, severe visual impairment, housing instability, and multiple overlapping state and federal court deadlines. and immediately dismisses their active appeal with no extra days even given ?

Whether a state court violates the First Amendment's Right to Petition and the Fourteenth Amendment's Due Process Clause by denying a nominal 14-day extension to format a brief and summarily dismissing an appeal with prejudice, where a destitute, self-represented litigant demonstrates that her operational capacity was completely consumed by concurrently filing multiple active constitutional petitions against government entities.

Whether a state appellate court violates the Fourteenth Amendment's Due Process Clause by imposing the terminal sanction of dismissal with prejudice against a self-represented (*pro per*) litigant over non-jurisdictional, technical layout and formatting defects—including missing electronic PDF bookmarks, record citation formatting, missing statements of appealability, and table of contents pagination misalignments—where the litigant timely submitted her opening briefs and filed a proper request for a short extension for the second cure letter detailing acute medical and housing crises and other cases briefs due.

2. Is such Court Practice "Uniquely Harsh" and Deprives Due Process? IS a 14-day cure period for a homeless person undergoing a mental health crisis is a statistical impossibility. Without any right to extension?

3. Would a notice of a few days given to turn in the brief from the extension be required if the First time request for a Second cure letter did not have any statement that no extensions would be allowed?

4. Can state court uses an inflexible, rapid-fire dismissal mechanism to terminate an appeal before a cure brief can even be filed, and does it creates an unconstitutional "trap for the unwary" that effectively dismantles the Right to due process and for cases like this case where all the cases were on government actors or agencies for corruption, the does it deny Right to Petition the Government under the First Amendment.?

5. Whether a state court violates the Fourteenth Amendment's Due Process Clause and the First Amendment's Right to Petition by utilizing a subsequent, unrelated "vexatious litigant" pre-filing order as a *sub-rosa*, retroactive mechanism to dismiss independent, pre-existing lawsuits, all relating to government agencies or actors in claims of corruption or serious widespread violation of children's rights, filed years before the entry of such restrictive order?

LIST OF PARTIES

PETITIONER

Rebecca Wu

440 EDDY ST #209

San Francisco, CA 94109

Rebeccadawnwu@yahoo.com 916-308-2190

RESPONDANTS

Bill McGuire

Gina Carreon (not a party to this action)

Note: the Court of Appeal sent over Gina Carreon's name in this case but she Was not a party nor on the Docket.

Dominic Spinelli, Jeffery Arnold, and Carly Stoffle are Attorneys for Respondent McGuire.

300 University Ave # 100, Sacramento, CA 95825

Phone: (916) 448-7888 jeffreya@sdnlaw.com domenics@sdnlaw.com

RELATED CASES

Filing on the same date. Wu vs Gina Carreon, Steve Martinez, Linda Fowler in case from Third Court of Appeal. C102529 on 4/21/2026 and the the case is S296322 in California State Supreme court also ruled on at the same time as this case. 5/27/2026

Counsel Dominic Spinelli and Jeffery Arnold claimed in Superior court that Defendants Gina Carreon, Steve Martinez Linda Fowler but then in Appeal they claims he does not represent Fowler or Martinez because he claims they did not make showing in the Motions in 3rd Court of Appeal. The Vexatious Litigant case where the order was not reviewed by any court is also on its way to this court.

The case the Writ of Extraordinary case filed and on a First time Cure letter denial of Extension in Wu vs PERB for a 23 day hearing is also on its way for denied CA 3rd District Court of Appeal - Case No. C103712 - Wu v. Public Employment Relations Board

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 - 1. *FRAP 25(a)(4) Rules Explicitly Prohibit the Outright Rejection of Document Submissions Based Solely on Layout Formatting Form*
 - **E. The order letter of Notice of Rejection and right to Correct and cure the deficiencies and allowing a date to fix it must allow for at LEAST ONE Extension and if it is the only one it MUST state NEEDS to state, "No Further Extension."** or Justice is not served without clear expectations.
 - **F. Denying a reasonable extension under extreme, documented circumstances (medical crisis, homelessness, overlapping briefs as a pro per litigant) constitutes an abuse of discretion that effectively shut the courthouse doors.**
-

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**IN THE SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully prays that a writ of certiorari issue to review the judgment Below.

**Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543**

OPINIONS

The opinion of the highest state court to review the merits appears at Denial of the Petition for Review in California Supreme court case S296322 is on May 27, 2026 APPENDIX A

Third Court of Appeal Denial of Motion for Extension and Dismissal.
in Case 3/12/2026 C102519 **APPENDIX B**

Denial of the Request for Motion to vacate or reinstate the case. On 3/22/2026 in Case C102519 **APPENDIX C**

Order of Dismissal in case Sacramento County Superior Court Case No. **34-2020-00281796** including lifting of the STAY from 1/27/2022 of the Sacramento Superior Court on 9/16/2026 **APPENDIX D**

JURISDICTION OF UNITED STATES SUPREME COURT

The date on which the highest state court decided my case was May 27, 2026

A copy of that decision appears at Appendix A

28 U. S. C. §1257(a) The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Amendment to the United States Constitution provides in relevant part:

"Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The Fourteenth Amendment to the United States Constitution, Section 1, provides in relevant part:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, , liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF CASE

The lower court's decision creates a dangerous precedent that allows administrative bias to retroactively extinguish vested property rights in an active lawsuit. This case presents an ideal vehicle to clarify the constitutional baseline

required to protect self-represented litigants from arbitrary courthouse evictions during severe humanitarian crises.

This case arises from an unconstitutional deployment of procedural rigidity by a state appellate court to extinguish a self-represented whistleblower's colorable appeal during an active compliance window. Petitioner Rebecca Wu, an *in pro per* litigant, was subjected to a terminal dismissal of her active lawsuit based entirely on non-jurisdictional clerical formatting defects while navigating an extreme confluence of physical, psychological, and housing crises.

The order letter of Notice of Rejection and right to Correct and cure the deficiencies and allowing a date to fix it must allow for at LEAST ONE Extension and if it is the only one it MUST state NEEDS to state, "No Further Extension." or Justice is not served without clear expectations.

Petitioner substantially complied with the appellate process by filing the petition, lodging the record, and timely submitting an opening brief. The identified defects were technical and curable. The petitioner timely sought an extension to cure those defects. Because no respondent had filed a brief and no prejudice was shown, dismissal imposed the most severe available sanction for a procedural defect that could readily have been corrected.

1. Factual Background and Procedural Genesis

Petitioner filed the underlying action in the Sacramento Superior Court (Case No. **34-2020-00281796**) against Respondent Bill McGuire, the Deputy Superintendent of the Twin Rivers Unified School District (TRUSD), alleging

whistleblower retaliation, public corruption, and improper employment misclassification.

Following a complex procedural history plagued by continuous delays due to an overlapping, court-ordered stay in a related action, Petitioner sought to prosecute her appellate claims before the California Court of Appeal, Third Appellate District, under Case No. C102519. On December 1, 2025, Petitioner electronically submitted her Appellant's Opening Brief. The Court of Appeal Clerk rejected that submission on December 9, 2025, citing four layout omissions under Rules 8.74(a)(3), 8.204(a)(1), 8.204(a)(2)(B), and 8.204(a)(1)(C): a total lack of electronic bookmarks, record citation formatting errors, a missing statement of appealability, and minor table of contents pagination variances. Petitioner requested an extension of time, moving her submission deadline to January 20, 2026.

2. The Narrow Two-Week Cure Window and 14-Day Extension Request

To bypass the technological software barriers preventing successful electronic bookmarking, Petitioner arrived at the clerk's counter in person on January 20, 2026, and physically hand-delivered a hard-copy version of her Opening Brief.

Rather than accepting the brief on its merits, the Court of Appeal issued a second

deficiency notice on February 6, 2026. This notice introduced a new set of layout defects—specifically invoking Rule 8.204(a)(1)(A) for table of contents alignment and Rule 8.204(c) because her word count certificate was located on page 32 instead of within the text boundaries. The clerk's notice provided Petitioner with a hyper-rigid window of only two weeks, ordering her to correct, re-serve, and return the brief by February 23, 2026.

During this narrow two-week window in February, Petitioner's structural capacity was completely consumed by an overwhelming convergence of complex public-interest filing obligations:

- **The Case C102338 Whistleblower Mandate:** Petitioner was concurrently drafting the primary Appellant's Opening Brief for an independent, parallel Public Employment Relations Board (PERB) appeal, Case No. C102338, which she filed on March 13, 2026. This filing exposed severe school district fraud—specifically demonstrating that the district had falsely claimed a teacher shortage while leaving over 500 independent study students at home for more than half a year without any credentialed teacher or substitute. Petitioner exposed an administrative intent to bypass state law by intentionally delaying the transfer of dozens of teachers under California Education Code §§ 35035 and 35036 to replace new hires following non-renewal for no cause.
- **The Absolute Denial of Professional Representation:** Petitioner was forced to navigate this massive statutory filing completely alone, as the parent

labor union (CTA umbrella) explicitly refused to provide legal counsel or representation for her administrative or judicial proceedings.

- **The Overlapping Writ Framework:** Simultaneously, Petitioner was managing a parallel citizen's writ of mandate action, Case No. C099958, challenging identical patterns of retaliatory termination and structural district fraud.
- **Severe Humanitarian and Health Crises:** Petitioner was executing these massive filings while experiencing an acute mental health breakdown resulting in a first-time professional diagnosis of clinical depression, managing new insulin-dependent diabetes, suffering from total physical blindness in her right eye, and navigating active homelessness following her January 6, 2026 displacement from a temporary sanctuary shelter.

On February 23, 2026—the final day of the clerk's two-week window—Petitioner properly filed an Application for an Extension of Time (Form APP-006). Petitioner did not seek an extensive or disruptive delay; rather, she requested a minor, routine accommodation of approximately 14 days, seeking to move the deadline from February 23, 2026, to March 9, 2026, solely to format, print, mail, and serve her corrected opening brief in person.

3. Summary Dismissal and Deceptive Docketing

The Court of Appeal left Petitioner stranded in legal limbo. Petitioner submitted her Form APP-006 on February 23, 2026. **The clerk's February 6 deficiency letter**

never contained mandatory warning language indicating that **"No Further Extensions"** would be entertained. This procedural trap was amplified by the court's own conflicting docket entries: on **February 27, 2026—four days after the expiration of the original cure deadline—the Court of Appeal issued a formal order explicitly *granting*** Petitioner's Motion to Augment the record. By ordering the expansion of the appellate record at that late date, the court provided an objective, structural signal that the appeal was alive and moving forward.

Rather than denying the extension application and providing a standard few days of safe-harbor notice to submit the documents, the court waited until March 12, 2026—after the requested March 9 window had naturally expired—and summarily closed the courthouse door by dismissing the entire appeal with prejudice.

Petitioner's timely Petition for Rehearing was summarily denied on March 22, 2026, by Laurie Earl. Who had denied the right to have review in the Appeals court for the Vexatious Litigant in the case being sent over soon when she should have recused herself for that case.

4. Systemic Overlapping Conflicts, Civil Rights Violations, and State Auditor Disclosures

The severe procedural deviations executed by the lower courts must be evaluated against a backdrop of extensive administrative corruption and active

state investigations directly impacting the civil rights of public school children. Petitioner repeatedly appeared before the school board to expose a covert operational matrix where public funds legally earmarked for children's K-12 education were illicitly diverted to fund an off-the-books shadow payroll of teachers and substitutes who were completely omitted from official district databases. As a direct result of this covert diversion, Petitioner's school and students were stripped of vital resources, resulting in a severe, systemic violation of the children's civil rights to an equal public education.

The structural breakdown of judicial and administrative neutrality across this litigation docket is highlighted by a series of major systemic events:

- **The Fair Political Practices Commission (FPPC) Adjudication:** Board President Linda Fowler—a primary defendant in the related action—was formally investigated and found guilty of severe ethical and financial violations by the California Fair Political Practices Commission (FPPC), directly tied to improper schemes designed to extract hundreds of thousands of public dollars from Highlands Charter School operations.
- **The June 24, 2025 State Auditor Report:** While these matters were pending on appeal, the California State Auditor issued a scathing report exposing over \$180 million in public fraud and a total breakdown of district oversight centered on the Highlands Charter School—the precise adult-education entity where Respondent Bill McGuire served as the primary consultant and eventual Executive Director as of June 2024. The

state audit verified similar patterns of financial misconduct and retaliatory concealment that Petitioner had spent years attempting to bring to trial.

- **Coordinated Judicial and Corporate Departures:** In 2024, Petitioner filed a formal motion to disqualify the assigned Superior Court judge based on a conflict of interest stemming from the Board President's decades-long employment within the California Attorney General's Office; the judge subsequently recused himself. Weeks after the release of the State Auditor's report, the Executive Director of the Sacramento Superior Court abruptly resigned after 25 years of public service. Simultaneously, Peter Rittling, a key TRUSD attorney named as a co-defendant in Petitioner's action, ended shareholder status at DWK and completely removed or ended from the district's HR legal assignments in February 2026.
- **The Inter-Agency Office Nexus:** Public records requests obtained by Petitioner in 2026 revealed that Highlands Charter School maintained active, undisclosed organizational partnerships with local court systems. Furthermore, internal property management correspondence established that Highlands was paying approximately \$300,000 annually to lease luxury office suites inside the exact same downtown building housing the district's defense firm, DWK Law firm.

Despite the fact that a valid January 27, 2022 judicial order had explicitly placed the entire action on a total protective stay, the Superior Court issued an abrupt tentative ruling on August 28, 2024, finalizing a dismissal *with prejudice* in September 2024. This terminal ruling was entered despite a total lack of active service or an opening argument on the merits, effectively cutting off Petitioner's statutory right to merge her active, parallel actions. In response to these systemic

disclosures and the state auditor's documented findings, Petitioner formally filed comprehensive reporting data detailing this public corruption matrix with the Federal Bureau of Investigation (FBI) and the United States Department of Justice (DOJ). The Supreme Court of California subsequently denied her Petition for Review, and this timely Petition for a Writ of Certiorari follows.

REASONS FOR GRANTING THE PETITION

I. THE STATE APPELLATE COURT VIOLATED THE FOURTEENTH AMENDMENT BY SUMMARILY TERMINATING AN APPEAL WITH PREJUDICE OVER NON-JURISDICTIONAL TECHNICAL LAYOUT ERRORS AND DENYING A ROUTINE 14-DAY CURE EXTENSION FOLLOWING A SHORT TWO-WEEK NOTICE

The state court's conversion of an active formatting cure window into a terminal dismissal—while completely ignoring a timely request for a nominal 14-day extension to stretch an inflexible two-week window—presents a profound national question regarding the constitutional limits of judicial administration.

A. Due Process Prohibits the Deployment of Termination Sanctions for Non-Jurisdictional Technical Flaws

A cause of action is a protected property interest under the Fourteenth Amendment that cannot be extinguished by an unyielding procedural barrier without a meaningful opportunity to be heard on the merits. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428 (1982). Petitioner did not abandon her appeal; she actively complied with the appellate process by submitting two complete opening briefs, both of which were timely filed but rejected solely due to non-jurisdictional electronic bookmarking omissions, record citation formatting, and minor pagination variances.

This Court has "consistently ruled that the interest in finality of litigation must yield where the interests of justice would make unfair the strict application of our rules." *United States v. Ohio Power Co.*, 353 U.S. 98, 99 (1957). When a lower court treats a micro-technical electronic formatting posture as an absolute trap—and permanently extinguishes a whistleblower's lawsuit because she required an additional 14 days to resolve a page alignment conflict after being handed an inflexible two-week deadline—it strips the litigant of property without due process. Elevating a missing electronic bookmark or page variance into a terminal dismissal with prejudice converts a mere software formatting layout requirement into an unconstitutional bar to the courthouse doors.

B. Shifting Technical Formatting Criteria and the Absolute Rejection of a Minimal 14-Day Accommodation Establishes an Unconstitutional Procedural Trap

The lower court's enforcement of an unbending, short-fuse two-week formatting deadline while Petitioner was enduring documented, severe personal crises amounts to a constructive foreclosure of the court system. Petitioner did not request an expansive or disruptive multi-month delay; she filed a proper request seeking a minor, routine accommodation of only 14 additional days to execute printing, finalization, and manual service.

Petitioner explicitly informed the court under oath that she lacked the financial means to purchase commercial Adobe document-structuring software to program electronic bookmarks. Furthermore, Petitioner was actively experiencing clinical depression, insulin-dependent diabetes, total blindness in her right eye, and homelessness, having been forced to move out of an emergency shelter into a Tenderloin SRO unit on January 6, 2026.

For a state court to reject an unrepresented person's timely legal work, subject them to a changing checklist of clerical formatting rules inside an unyielding two-week window, and then permanently close the courthouse door rather than grant a minimal 14-day extension violates the core principles of fair play. Under

Bounds v. Smith, 430 U.S. 817 (1977), courts cannot enforce rigid technological or procedural mechanisms that practically eliminate a citizen's baseline capability to maintain an active, colorable lawsuit.

C. The Refusal to Grant a 14-Day Layout Extension Constructively Suppressed Multiple Active First Amendment Petitions on Petitioner's Docket

The Court of Appeal's absolute refusal to grant a minor 14-day extension to correct metadata layout defects must be evaluated within the broader context of Petitioner's active constitutional docket. In her February application, Petitioner explicitly placed the court on notice that she was concurrently litigating multiple public policy actions, all directly involving the Right to Petition the Government for a Redress of Grievances under the First and Fourteenth Amendments.

The physical impossibility of meeting the rapid two-week formatting deadline is underscored by the fact that Petitioner was actively drafting her opening brief for Case No. C102338, filed on March 13, 2026, which exposed a massive, systemic civil rights violation involving the educational deprivation of over 500 independent study students under California Education Code §§ 35035 and 35036. Forced to act entirely without union legal counsel or representation, Petitioner was buried under a multi-volume record while simultaneously managing a parallel citizen's writ of mandate under Case No. C099958. By

ignoring the overlapping briefing schedules, refusing a tiny 14-day accommodation, and summarily terminating the McGuire appeal with prejudice, the lower court actively weaponized a minor formatting deadline to constructively crush multiple, parallel tracks of public interest petitioning. This excessive procedural hostility converts an administrative rule book into a tool of legal suppression, violating the foundational architecture of the First Amendment.

D. The Lower Court's Dismissal Creates an Unconstitutional Conflict with the Federal Rules of Appellate Procedure

The California Court of Appeal's summary dismissal over electronic bookmarking and formatting variances stands in direct conflict with the baseline administration of justice practiced in the federal court system. Under Federal Rule of Appellate Procedure 25(a)(4), federal clerks and judges are explicitly barred from refusing to file a document solely because it fails to comply with physical or electronic formatting rules. The rule explicitly mandates: *"The clerk must not refuse to accept for filing any paper solely because it is not presented in proper form as required by these rules or by any local rule or practice."*

By elevating non-jurisdictional digital bookmarking omissions into a terminal dismissal with prejudice, California has established a uniquely harsh standard

that would be illegal under federal law. This structural divergence effectively strips *pro per* and impoverished litigants of equal protection and court access based entirely on their geographic location or inability to afford professional document processing services.

E. The order letter of Notice of Rejection and right to Correct and cure the deficiencies and allowing a date to fix it must allow for at LEAST ONE Extension and if it is the **only one it MUST state NEEDS to state , "No Further Extension."** or Justice is not served without clear expectations.

F. Denying a reasonable extension under extreme, documented circumstances (medical crisis, homelessness, overlapping briefs as a *pro per* litigant) constitutes an abuse of discretion that effectively shut the courthouse doors.

foundational due process principles from cases like *Boddie v. Connecticut*, which established that individuals cannot be foreclosed from settling their claims through state procedures due to arbitrary barriers, and general access-to-courts jurisprudence like *Bounds v. Smith*.

The Court of Appeal's refusal to grant a brief extension for a *pro per* litigant facing extreme, documented hardships (homelessness, medical crisis) and the subsequent dismissal of the case represents an arbitrary, unconstitutional barrier to court access under the Due Process Clause.

II. THE LOWER COURT VIOLATED THE FIRST AND FOURTEENTH AMENDMENTS BY RETROACTIVELY APPLYING AN UNRELATED "VEXATIOUS LITIGANT" FRAMEWORK TO DISMISS AN EXEMPT, PRE-EXISTING ACTION

A. Sub-Rosa Application of Restrictive Pre-Filing Orders to Pre-Existing Cases Violates the Principle of Non-Retroactivity

A subsequent administrative classification or restrictive pre-filing order cannot be used as an invisible, retroactive tool to extinguish standard procedural rights in an independent lawsuit filed years before the order was entered. The record reveals that this active lawsuit was validly initiated years *before* any vexatious litigant pre-filing restrictions were entered against Petitioner across separate dockets. Legally, this action was exempt from threshold "merit screening." Yet, the lower court, fully aware of the subsequent pre-filing classification, treated Petitioner's standard 14-day extension request with unique, terminal hostility. This represents an unconstitutional *sub-rosa* application of a restrictive pre-filing standard, using an exempt case's administrative backdrop to deny standard civil safety nets.

B. The Carrier-Over Effect of Collateral Dockets Exceeded the Threshold for Extrajudicial Antagonism Under This Court's Precedent

The lower court's weaponization of technicalities to retroactively extinguish an independent lawsuit predating any restrictive order crosses the line from routine scheduling into the zone of unconstitutional docket bias. This Court has explicitly recognized that while standard judicial rulings rarely demonstrate bias, an unconstitutional deprivation of due process occurs when exposure to other cases, prior litigation, or external administrative records manifests a "deep-seated favoritism or antagonism that would make fair judgment impossible." *Liteky v. United States*, 510 U.S. 540, 555 (1994).

The Court of Appeal did not evaluate Petitioner's 14-day extension request on its own merits or within the four corners of this specific record. Instead, the tribunal allowed its awareness of Petitioner's massive, parallel constitutional petitions against high-ranking public school officials to infect its discretion. This cumulative carry-over effect from other dockets created a structural environment where the "average judge" faces an impermissible temptation to deploy routine administrative layout guidelines as a terminal shield to evade public fraud review. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 878 (2009).

The structural prejudice permeating the lower court's handling of Petitioner's docket is anchored in a direct, historical carry-over of litigation files involving the current Presiding Administrative Justice. Immediately prior to her elevation from the Sacramento Superior Court to the Court of Appeal, the current Presiding Justice presided over Petitioner's foundational writ of mandate action on the State Teachers' Retirement System, which served as her final case on the trial court bench. In that specific action, the responding state entities never asserted that Petitioner's filings were frivolous, malicious, or designed to cause procedural harm; rather, the matter was litigated and decided strictly on the substantive merits. Although Petitioner ultimately lost that specific judgment, the record brought before the Court of Appeal conclusively established that Petitioner's underlying constitutional claims were fully colorable in law. Yet, this exact non-frivolous, colorable trial record was subsequently weaponized against Petitioner to impose a retroactive "vexatious litigant" pre-filing framework across independent, pre-existing actions, effectively transforming a legitimate, merits-based legal dispute into an absolute barrier to future appellate review.

C. Accepting a Motion to Dismiss on Behalf of Legally Unrepresented Parties Violates Foundational Personal Jurisdiction and Structural Due Process

The structural breakdown of neutrality in the lower court is amplified by an explicit conflict regarding legal representation. Counsel for Respondent moved to

dismiss the entire action with prejudice, yet subsequently stated in writing to Petitioner that **"those two named defendants were never served nor was any appearance made by us on their behalf."**

A court lacks the constitutional authority to enter a binding dismissal *with prejudice* on behalf of individuals (such as school board members or superintendents) who have no valid representation contract with the appearing firm and are not genuinely before the court. *Link v. Wabash Railroad Co.*, 370 U.S. 626 (1962). By accepting an unauthorized motion from defense counsel to terminate claims involving unserved, unrepresented third parties, the lower court acted entirely outside its statutory jurisdiction under California Code of Civil Procedure § 581(b)(5). This procedural anomaly proves that the court was operating under a general cloud of docket hostility, rushing to summarily clear Petitioner's actions without regard to foundational jurisdictional limits.

D. The Court of Appeal Abdicated Its Constitutional Oversight Duty by Using Minor Technological Rules to Insulate Lower Court Errors from Review

The structural purpose of appellate review is to provide a mandatory constitutional check on the lower courts. When the Court of Appeal elevates minor PDF electronic bookmarking parameters over its foundational duty to oversee the Superior Court, it completely breaks the appellate mechanism. By utilizing a rigid, two-week technical cure window to permanently lock out a

self-represented whistleblower, the lower court effectively insulated a highly conflicted Superior Court record from any legal scrutiny. This Court must grant review to establish that state appellate courts cannot utilize non-jurisdictional technological layout guidelines to abdicate their constitutional oversight responsibilities and shield public corruption disclosures from appellate review.

E. OTHER CASES IMPORTANCE AND OR RELATIONSHIP CAN BE AN EXCEPTION TO THE NARROW REVIEW OF A REVIEWING COURT LIKE THE COURT OF APPEAL

Retroactive Punishment Prohibited: A subsequent vexatious litigant pre-filing order cannot be used as an invisible, unconstitutional tool to choke off and dismiss pre-existing, independent litigations that were validly initiated before the order was ever entered.

Prejudicial Lens Destroys Due Process: The Court of Appeal committed a structural error by allowing its awareness of separate, unrelated litigation to distort its discretion, resulting in an arbitrary denial of a baseline procedural accommodation (an extension to file an opening brief) during an active medical and housing crisis.

Constructive Denial of Access: By denying a standard extension of time to a homeless, self-represented litigant, and then immediately dismissing the case at the very first opportunity, the court engaged in a "constructive denial of court access" in violation of the Fourteenth Amendment.

F. THERE CAN NOT BE AN Arbitrary and Capricious Exercise of Judicial Discretion, or Sub-rosa Application of Restrictive Measures, and is a Violation of the Procedural Right to a Fair and Unbiased Tribunal ON A VEXATIOUS LITIGANT WHEN THE CASES AT HAND WERE NOT IN THAT LINE.

The McGuire case went on and continued after the STAY was lifted and that is when the Vexatious litigant order was done the next year. However, had all three

cases, the 2019 case that was determined to be similar or same, but was not and full or ANY review by ANY court has never been done! Regardless, the three were filed at different times, and could have been merged. None-the-less the case with Mcguire was not a vexatious issue because **it WAS THE ONLY CASE WITH MCGUIRE IN IT.**

WHEN A COURT OF APPEAL IS REVIEWING FOR ALLOWING AN EXTENSION FOR A PETITIONER ON CURE LETTER FOR AN OPENING BRIEF GREAT CARE MUST BE WEIGHED IN IF SHE HAS OTHER CASES RUNNING POINTING TO IMPROPER DUE PROCESS RIGHTS FROM THE COURT OF APPEAL ITSELF AND THE MORE CASES THEN THE MORE WEIGHT MUST BE FACTORED INTO THE DECISION OR IT BECOMES AN ABUSE OF DESCRETION

ALTHOUGH CASES FOR REVIEW ARE FOR WITHIN THE FOUR WALLS OF THE CASE BELOW EXCEPTIONS OCCURE WHEN A PETITIONER IS TREATED DIFFERENTLY WITH PREJUDICE AND HARSH TREATMENTS ARE ACTED UPON HER OVER AND OVER.

Because the court was aware that Petitioner had a Vexatious Litigant order in the Same Superior court case but it was now coming up under Wu vs Mcguire one of the other defendants then the court was now furthering its unequal treatment of her.

HOWEVER, the Vexatious Litigant order took into effect on January 10, 2025. This was done AFTER these two cases, Wu vs Mcguire, 2020 and Wu vs Carreon, Fowler, and Martinez (2018) cases that had this Dismissal order in September 16, 2024.

The fact that these two specific cases predate the pre-filing order would require this court not to review with some pre-filing or prejudice.

In the same Superior case number as this case , the Vexatious Litigant order [Now being refiled in this case] was given for one case and five others that including the top union attorney filing it in 2015-80002234 and then up to the court of appeal in Wu vs TRUSD. Another case that was published where the court of appeal claimed Wu did say the correct exact language of the law but they would look at it in a different light in case. In another case Wu won the Demur in WCCUSD for her misclassification and would settle for less than what she lost for the year. However her whistleblowing showed that many people as clerks, janitors were working 40 hours for FIVE years and had no medical and no union at WCCUSD. Then few months later the newer CBO explained that there are so many vacancies they did not know because I also told the board how they do it internally in HR as I knew how it was done. McGuire was the trainer in FCMAT the state agency that trains CBO and does review of District.

The Vexatious Litigant Order was denied review in the Court of appeal by the Chief Judge who had transferred up from Superior court and Wu was her last case. That case was also used against her and non of those four writs were ever claimed to be vexatious or frivolous with any bad intent. Then the Chief Judge denied Review of a Vexatious Litigant order because the ANOMALY in California that requires a Filing in all courts of appeal for a VL110 or Request to file New

Litigation per case law. I called most of the Courts of Appeal and they all are the same they will not accept even a Order itself on someone without the VL110.

There is systemic due process breakdown: Use the records to prove that the "merit review" system for vexatious litigants in California is operating as an unconstitutional total bar to appellate review, even when colorable claims exist.

Guilt by Association (Unconstitutional Prejudice) was inflicted on Petitioner, other records to show systematic prejudice.

For a *pro per* litigant facing extreme, documented crises (homelessness, shelter transitions, and multiple overlapping brief deadlines), granting a first-time extension is a routine matter of basic equity and court practice. This is impermissibly using external, non-applicable history to prejudice its treatment of these two independent, pre-existing cases

The Core Argument: Argue that because these two cases were filed *before* any pre-filing restriction existed, they are legally exempt from the "no merit" threshold screening.

The Violation: By treating Petitioners requests for extension in these cases with extreme hostility, the Court of Appeal is effectively applying the restrictive vexatious litigant standard *retroactively* and *sub-rosa* (under the table) to completely deny her the right to be heard.

The courts CANNOT use an unwritten No merits system to filter out other cases by a Litigant Especially if they are of Vast public importance issues being raised.

"no merit" standard at the threshold to block a defensive appeal or a colorable retaliation claim violates the core tenets of procedural due process outlined in Logan v. Zimmerman Brush Co., Chromalloy American Corp. v. Kenneth Ernsting and related circuit court jurisprudence establish that while courts can regulate

vexatious litigants, pre-filing restrictions cannot be used to completely deny an individual access to the court system. **De Long v. Hennessey** (9th Circuit) outlines the strict requirements for vexatious litigant orders. It states that such orders must be narrowly tailored and cannot completely bar a litigant from access to the courts without a specific finding that the current claim is frivolous.

THE THIRD COURT SHOULD HAVE GRANTED THE MOTION TO REINSTATE AND AGREE TO A SHORT EXTENSION BECAUSE OF THE OTHER CASES WU HAD, GREAT PUBLIC IMPORTANCE, APPEARANCE OF BIAS AND THE MEDICAL REASONS

MOTION FOR REINSTATEMENT THIRD COURT OF APPEAL p. 4 —I have had other cases I was working on as well although I have not put much work into them as I would normally due to my physical and mental health. WU VS Public Employment Relations Board Appellant Opening Brief case C102338. Filed on March 13th 2026, and for a writ of mandate Appeal Wu vs SCUSD C099958 Appellant REPLY Brief was filed as well on February 17th 2026. It is **a citizen's and taxpayer's writ [for no money but declaratory or injunction]** and on interpretation of laws and public importance. This brief which I asked for permission to file late on February 23 I also had a Motion Brief to file deadline as well in case Wu vs State of Cal..Et..Al. CDE, State Superintendent, State Board, Motion for Sanctions I filed for a taxpayer Citizens Writ on Motion for Securities. CASE:24WM000184 Sacramento Superior Court.

I believe this case on a personal suit for this request is also of public importance because it relates to whistleblowing and corruption.

Although it is not for change of a government entity and only for money for loss of jobs and denial of union, whistleblower termination with bosses claiming they would hire and or liked me and did a good job

MOTION FOR REINSTATEMENT THIRD COURT OF APPEAL page 2. Wu had a few weeks to turn in her brief and during which time it was also hard for her because she was not well. She is not contagious but not well. I am going to more than one clinic for various medical and mental health problems. Please see attached A. Exhibit A with some, but not all the clinics, Wu is attending.

I was recently diagnosed with clinical depression by a formal professional in a medical clinic. Wu can state this under oath but is not providing the clinic information on this. The Depression is in many forms including This appears in not caring or working on things that do matter and sleeping 15 or more hours per day on most days and usually more. This appears where I have just not done and needing things to get done and exhausted with indifference.

MOTION FOR REINSTATEMENT p. 5 had a case Wu vs State of Cal..Et..Al. CDE, State Superintendent, State Bourd, Motion for Sanctions I filed for a taxpayer Citizens Writ on Motion for Securities. CASE:24WM000184 Sacramento Superior court. I have recently been asked to be on a media panel for what is happening in oversight and why have there not been arrests from the state auditors findings

The Motion for Reinstatement had MEDICAL attachments.

The attached Exhibit A is some of the appointments and diagnoses of one of the clinics I go to but not all a true and correct copy is attached as Exhibit A.
(MOTION FOR REINSTATEMENT)

THE THIRD COURT KNEW OF PETITIONERS OTHER CASES BECAUSE ITS POSTED IN THEIR SYSTEM FOR THE CONNECTED CASES AND BECAUSE WU INFORMED THE COURT IN OTHER CASES OF THIS CASE AS WELL AS IN THE EXTENSIONS AND MORE and THUS IT SUPPORTS THE BIASED NATURE AND INCORPORATING ALL ARGUMENTS ABOVE.

Wu filed request for extension to file her brief in Fall 2025 and the court was aware of SEVERAL of Wu other cases in courts and other issues. Wu had medical and other issues including several other cases including a Related to this case, a 23 day trial hearing in labor board PERB in case C103712 and PERB case C99985 and a Writ of Mandate case# 24WM000184 in Superior court to require Cal Department of Education to allow complaints to be made to at lest funnel and determine issue possible effecting federal

funding including. Also in the fall Wu was living in a Sanctuary shelter in San Francisco. But moved out on January 6th 2026.

G. THE CASES HAD MERIT

The CASES were on the Right to have With Prejudice changed to Without for three litigants Wu claims she tried to find, but did not serve. The cases were the right to have them run because of the STAY in the McGuire cases, the Related case in Wu vs Carreon, Fowler, and Martinez were rational because they were still allowed to file a service per the order allowed in the 2024 Conference order allowing service until 2025 but as soon as one can. The McGuire case was on STAY and hold.

H. BECAUSE THE ATTORNEY SPINELLI CLAIMS HE DID NOT REPRESENT FOWLER AND MARTIENZ IN THE APPEAL BECAUSE THEY HAD NO REPRESENTATION IN THE SUPERIOR COURT WOULD THEN CAUSE NO JURISDICTION FOR THEM TO FILE FOR WITH PREJUDICE AND THEY DID REPRESENT THEM AS THE 2018 Case Order shows that JEFFERY ARNOLD, Under Spinelli at the same law firm, Showed up and DID represent Fowler and Martinez. His actions are unspeakable.

I. VERY CONCERNING BEHAVIOR BY THE THIRD COURT

All the cases on corruption like the whistleblower terminated case now heading over to this court soon, Wu vs PERB case. This case Wu was claimed by the ALJ Wu would have to sign a settlement agreement to obtain the job she was in. It was a 23 day Hearing and was Wu vs TRUSD. PERB issued two complaints

for protected activity and retaliation. Where she was negotiating for everyone like her and everyone was reclassified but her with the HR manger claiming they knew they were misclassified and thats why the reclassified everyone (but Wu). Students had no teacher for years but it was not as bad as SCUSD that the third court did not accept the Citizens Writ or serious issues affecting hundreds of kids staying at home with no teacher even online. The court just claimed PERB had jurisdiction. But now in a Reply in the PERB case in Court of appeal the district and the union claim under the case law I cannot challenge in court PERB refusal to issue a complaint but PERB did not and refused to file their Respondent Brief or a Joinder and they cannot because they would have to acknowledge the other issues like the CTA top attorney Ruckeyser sent me a email that they would only give me an attorney for the SCUSD issue if they thought I should get one and if I dismiss the other case, at the time in appeals on the other district, TRUSD union TRUE and not appeal it up. I did and that is now in this court Wu vs PERB 2022 and Published. He did not offer any such alternative hire for legal help or claim there would or could be one If they thought I needed it. There was NO claim of help through the GLP Insurance plan of CTA umbrella of the local unions if there was a need for an attorney and I knew I exhausted the remedies as the superior court agreed with that but said in the

SCUSD case jurisdiction of PERB and PERB claims jurisdiction of courts but cannot appeal directly from PERB. None-the-less. The court of appeal

- Denied this right to extension while they knew I was filing for other cases.
- Was aware of the Many Briefs I had to file against CDE, SSBE and SSPI for the right to file a complaint of widespread fraud and no teachers, or for that matter in Independent studies the laws loop and no SARBS are done on them and only in person classes but they can be the most vulnerable.
- The claim in the Answer and Demur shows they do not believe they have a responsibility for federal funding oversight.

UNKNOWN CONCERNS

The 555 Capitol Mall and the Four Suits paid by Highlands was orchestrated in part by McGuire who had his office there. He also has potential hundreds of thousands in sales of his Representation from 2006 in a big pool. Though great pools he just puts whatever down on fiscal reports so the transparencies are not there like in my posted declarations in my misclassification case. Highlands had Partnerships to the courts and its unknown by the Executive Director left after the audit came out with 25 yeast and went into private practice. He had contracts given to his family members. He had or contributed to consultation for a long time at Highlands and it's unclear what the report seems to say long

before he became executive director but at the same time working at the oversight agency TRUSD. They had trips to Paris as a publicly funded school. But I had police reports on him at least in 2018 and the scathing review by the auditor, the district, the CDE and the County Superintendent of Sacramento all knew from 2018 there were unresolved potential misappropriations of funds and more. Nothing was done until the news came out in 2024. I was ignored. There are 950 Non profits that want more oversight in California by the state but the state claims they are not responsible for reviewing millions of fraud complaints or large numbers of teacher vacancies because of fraud and crimes.

CONCLUSION

Request for an attorney

Because of the many cases Wu had and the injustices inflicted by the courts as well as the millions in fraud, civil rights of students for years with no teacher assigned, the 500 students in the SCUSD case with no teacher or substitute for over six months and false statements on teacher shortage for independent study but the subpoena showed 100's in that writ and wrongful transfer by seniority and intentional misplacement of 22 teachers. The 180 million in misappropriation and fraud. CDE, SBE case that took time away from this case and of Citizens writ then Wu requests an attorney. The continuous action as this is the second time that the Court of appeal send the wrong defendant name which is not in the court of appeal records dockets online to the Supreme Court of California which added Carreon out of the blue whom is not a defendant in the Wu vs McGuire case C102519. This happened with other defendants being added in the Vexatous case in Supreme court of California which has caused major delays in posting.

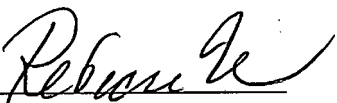
For the foregoing reasons, Petitioner Rebecca Wu respectfully requests that this Court grant this Petition for a Writ of Certiorari to review the judgment of the California Court of Appeal, Third Appellate District, in Case No. C102519, reverse the order of dismissal, and remand the action for a determination on the merits.

Dated: August 25, 2026

Respectfully submitted,

Rebecca Wu, Petitioner pro se

440 Eddy St #209 San Francisco, CA 94109

Rebecca Wu  DATE: August 25th, 2026

APPENDIX

- A. Denial of the Petition for Review on 5/27/2026 in California Supreme court case S29322 is in **APPENDIX A**
- B. Third Court of Appeal Denial of Motion for Extension and Dismissal. Denial of order 3/12/2026. Case C102519 **APPENDIX B**
- C. Denial of the Request for Motion to vacate or reinstate the case. On 3/22/2026 in Case C102519 **APPENDIX C**
- D. Order of **Dismissal** in case Sacramento County Superior Court Case No. 34-2020-00281796 including lifting of the STAY of the Sacramento Superior Court of in case on 9/16/2026 **APPENDIX D**
- E. Order of STAY in Superior court on January 27, 2022 **APPENDIX E**
- F. Proof of Service electronically and mail **APPENDIX F**

REBECCA WU  Date August 25th, 2026